

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MANUEL LARA ANDRADE,)
)
Petitioner,)
)
v.) Case No. CIV-20-114-SLP
)
NORTHERN DISTRICT OF)
OKLAHOMA,)
)
Respondent.)

O R D E R

Petitioner Manuel Lara Andrade, a state prisoner appearing pro se, has filed a Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 [Doc. No. 1]. Before the Court is the Report and Recommendation [Doc. No. 6] issued by United States Magistrate Judge Shon T. Erwin pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Erwin recommends the Petition be dismissed on grounds Petitioner failed to timely comply with the Court's Order [Doc. No. 5] which directed Petitioner, on or before March 2, 2020, to cure deficiencies accompanying his Motion for Leave to Proceed in Forma Pauperis [Doc. No. 2].

Petitioner has filed a timely Objection [Doc. No. 8]. Petitioner explains in the Objection that on or about February 20, 2020, he sent the information requested by the Court but he did not include in the address "the Office number." He states that after several days the information was returned to him as undeliverable. Petitioner attaches the returned envelope, *see* [Doc. No. 8-1], as part of his submission. He further explains that he resent

the information. The docket reflects that on March 17, 2020, the Court received Plaintiff's amended Application for Leave to Proceed In Forma Pauperis [Doc. No. 7].

The Court finds Petitioner attempted to timely comply with Judge Erwin's Order. The Court is aware of recent changes in postal delivery requirements to the Clerk of Court, including the "room number" requirement referenced by Petitioner, that has resulted in mail being returned as undeliverable. Moreover, Petitioner promptly re-submitted the information requested after his mail was returned to him. Under these circumstances, the Court finds dismissal for the reasons stated in the Report and Recommendation would not be proper.

IT IS THEREFORE ORDERED that the Court DECLINES to ADOPT the Report and Recommendation. The Court re-refers this matter to the Magistrate Judge for further proceedings.

IT IS SO ORDERED this 26th day of March, 2020.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE